

IN THE SUPREME COURT OF THE STATE OF DELAWARE

IN THE MATTER OF THE §
PETITION OF DANIEL PASKINS § No. 608, 2009
FOR A WRIT OF MANDAMUS §

Submitted: November 6, 2009
Decided: November 17, 2009

Before **BERGER, JACOBS** and **RIDGELY**, Justices.

ORDER

This 17th day of November 2009, the Court has considered the petition for a writ of mandamus filed by Daniel Paskins, the Clerk's notice and corrected notice to show cause, Paskins' response to the notice to show cause, and the answer and motion to dismiss filed by the State of Delaware. Paskins asks this Court to compel the Court of Common Pleas to provide him with papers relating to a preliminary hearing. Paskins has not demonstrated, as required by Rule 43,¹ that he sought a writ of mandamus from the Superior Court in the first instance.²

NOW, THEREFORE, IT IS HEREBY ORDERED, pursuant to Supreme Court Rules 29(b) and 43, that the petition for a writ of mandamus is DISMISSED.

BY THE COURT:

/s/ Jack B. Jacobs
Justice

¹ See Del. Supr. Ct. R. 43(b)(vi) (providing that a petition for a writ to be issued to the Court of Common Pleas shall not be filed "unless a petition for such writ shall have been first presented to and denied by the Superior Court"). Cf. Del. Const. art. IV, § 11(5) (defining Supreme Court's original jurisdiction to issue extraordinary writs).

² Accord *In re Paskins*, 2005 WL 2333896 (Del. Supr.) (dismissing mandamus petition seeking to compel the Court of Common Pleas to provide petitioner with papers relating to the waiver of a preliminary hearing).